

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO.CR97-0323 RSM

Plaintiff,

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

v.

RUBEN TRUILLO

Defendant.

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on May 11th, 2005. The United States was represented by Bruce Miyake, defendant was represented by Howard Ratner. The proceedings were recorded on cassette tape.

CONVICTION AND SENTENCE

Defendant had been convicted of Possession of Cocaine with Intent to Distribute on or about March 19th 1999. The Hon. Barbara J. Rothstein of this court sentenced defendant to sixty months of confinement, followed by four years of supervised release.

The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

ALLEGED VIOLATIONS AND THE DEFENDANT'S ADMISSION

USPO Steven R. Gregoryk alleged that defendant violated the conditions of supervised

1 release in two respect(s):

- 2 (1) Failing to submit to drug testing on June 17th, 2002 and June 21, 2002 in violation of
3 the special condition that he participate in a program for the treatment of narcotic or
4 drug dependency, which may include testing to determine if he has reverted to the use
5 of drugs.
6 (2) Failing to notify the probation officer within ten days prior to a change in residence
7 in violation of standard condition number six.
8

9 At an initial hearing, I advised the defendant of these charges and of his constitutional rights. At
10 today's hearing defendant admitted the violations #1 and #2, waived any hearing as to whether it
11 occurred, and, consented to having the matter set for a disposition hearing before the Hon. Ricardo
12 S. Martinez.
13

14 RECOMMENDED FINDINGS AND CONCLUSIONS

15 Based upon the foregoing, I recommend the court find that defendant has violated the
16 conditions of his supervised release as alleged; and set the matter for a disposition hearing.

17 Defendant has been detained pending a final determination by the court.

18 DATED this 11th day of May, 2005.
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22 MONICA J. BENTON
23 United States Magistrate Judge

24 cc: Sentencing Judge : Hon. Ricardo S. Martinez
25 Assistant U.S. Attorney : Bruce Miyake
26 Defense Attorney : Howard Ratner
27 U. S. Probation Officer : Steven R. Gregoryk
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